

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

(1) MARTHA HERNANDEZ on behalf of)	
herself and others similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 15-CV-00001-KEW
)	
(1) UNARCO INDUSTRIES, a foreign)	
Limited Liability Company,)	
)	
Defendant.)	

NOTICE OF REMOVAL

TO: PLAINTIFF MARTHA HERNANDEZ AND
HER ATTORNEY OF RECORD

Pursuant to 28 U.S.C. §§ 1441(a) and (c), 1446, and 1453, and LCvR 81.2, Defendant, UNARCO Industries, LLC ("Defendant"), hereby files with this Court its Notice of Removal from the District Court of Wagoner County, State of Oklahoma, Case No. CJ-14-300, styled *Martha Hernandez, on behalf of herself and others similarly situated, Plaintiff, v. UNARCO Industries, LLC, Defendant*.

The following statements are submitted pursuant to 28 U.S.C. § 1446:

1. Pursuant to LCvR 81.2 of the United States District Court for the Eastern District of Oklahoma, copies of all matters filed of record in the state court proceedings or served upon Defendant are attached hereto, along with a copy of the docket sheet in the underlying case, and all such matters include the following:

- a. Plaintiff's Complaint in Case No. CJ-14-300;
- b. Plaintiff's Amended Complaint in Case No. CJ-14-300; and
- c. Alias Summons issued to UNARCO Industries, LLC.

2. Plaintiff alleges a cause of action for discrimination in employment on the basis of race, religion sex, and national origin, in violation of Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e, *et seq.*; a cause of action for deprivation of rights under of color of law in violation of 42 U.S.C. § 1983; and a

cause of action for conspiracy to interfere with Plaintiff's civil rights in violation of 42 U.S.C. § 1985.

See Amended Complaint, ¶ 2.

3. Plaintiff pleads a class action that is removable pursuant to 28 U.S.C. § 1453.

4. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1331.

WHEREFORE, Defendant, UNARCO Industries, LLC, prays that the above action now pending against it in the District Court of Wagoner County, State of Oklahoma, be removed to this Court.

Respectfully submitted,

**NEWTON, O'CONNOR, TURNER & KETCHUM
A PROFESSIONAL CORPORATION**

By: /s/ W. Kirk Turner

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**ATTORNEYS FOR DEFENDANT,
UNARCO INDUSTRIES, LLC**

CERTIFICATE OF SERVICE

- ☒ I hereby certify that on January 2, 2015, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

James G. Wilcoxon, Esq.
jim@wilcoxenlaw.net

- ☐ I hereby certify that on _____, 2015, I served the foregoing document by mail on the following, who are not registered participants of the ECF System (None):

/s/ W. Kirk Turner

W. Kirk Turner